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BROOK SMITH
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Intellectual Property Law

MAR 12 2007

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FACSIMILE COVER SHEET

Examiner: Kishor Mayekar

Group: 1753

Date: March 12, 2007

Client Code: 2251

Facsimile No.: 571-273-8300

From: Darrell L. Wong, Esq.

Subject: Petition Under Rule 1.181 to Reset a Period for Reply Due to Late
Receipt of An Office Action and For Withdrawal of Any
Abandonment

Docket No.: 2251.2001-009

Applicant: Tzvi Avnery

Application No.: 10/666,380

Filing Date: September 19, 2003

Number of pages including this cover sheet: 7

Please confirm receipt of facsimile: Yes ☒ No ☐

Comments:

711730, 1

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Mar-12-07 04:15pm From:HBS&R
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MAR 12 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tzvi Avnery
Application No.: 10/666,380 Group: 1753
Filed: September 19, 2003 Examiner: Kishor Mayekar
Confirmation No: 8508
For: AIR STERILIZING SYSTEM

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
March 12, 2007 Date	<i>Brenda Truglio</i> Signature
Brenda Truglio Typed or printed name of person signing certificate	

**PETITION UNDER RULE 1.181 TO RESET A PERIOD FOR REPLY DUE TO LATE
RECEIPT OF AN OFFICE ACTION AND FOR WITHDRAWAL OF ANY
ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

On March 6, 2007, Examiner Mayekar called the undersigned with regard to a different matter, and separately mentioned to the undersigned that the 6 month period for responding to the outstanding Office Action in the above-referenced application was almost over. The undersigned noted that an Office Action was never received. The Examiner informed the undersigned that the Office Action was mailed on September 21, 2006 and was returned back to the U.S. Patent Office on October 2, 2006 as undelivered. The undersigned downloaded a copy

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The undersigned spoke again with Examiner Mayekar and with Supervisor Nam Nguyen by telephone on March 7, 2007. It was suggested that a Petition to reset the period for reply be filed with an Interview Summary of the telephone conversation, as evidence of the date of knowledge and receipt of the Office Action. The undersigned also had a telephone conversation with Frances Hicks in the Office of Petitions on March 7, 2007. Ms. Hicks suggested that a plausible reason the Office Action was undeliverable was that the address window could have been obscured. Ms. Hicks also suggested that a Petition be filed to reset the period for reply.

Attached is a copy of the Examiner's interview summary dated March 7, 2007, and a Declaration from the undersigned which references the March 6, and March 7, 2007 telephone conversations and supports the criteria set under MPEP 710.06(I) that:

- A) This petition is filed within 2 weeks of the March 6, 2007 receipt of the Office Action;
- B) A substantial portion of the set reply period has elapsed on the date of receipt of the Office Action (over 5 months); and
- C) Evidences that the Office Action was first received by the undersigned on March 6, 2007.

Accordingly, the undersigned respectfully requests that a new Office Action be mailed with the period for reply being reset to have a mailing date no earlier than March 6, 2007. It is also respectfully requested that any abandonment of the above-referenced application that may occur be removed.

If it is believed that a telephone conference would be helpful, please call the undersigned at (978) 202-3296.

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It is not believed that Petition fees are due. However, if any fees are due in this matter,
please charge Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Darrell L. Wong

Registration No. 36,725

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: March 12, 2007

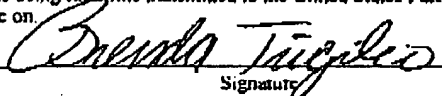
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JMS/DLW/bar
March 12, 2007

MAR 12 2007

PATENT APPLICATION
Attorney's Docket No : 2251 2001-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tzvi Avnery
Application No.: 10/666,380 Group: 1753
Filed: September 19, 2003 Examiner: Kishor Mayekar
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March 12, 2007	
Date	Signature
Brenda Trigitio	
Typed or printed name of person signing certificate	

DECLARATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Darrell L. Wong, undersigned, hereby declare that I was first aware of the September 21, 2006 Office Action on March 6, 2007 when I was notified by telephone by Examiner Mayekar on that date. This is also evidenced by the attached Interview Summary. I then downloaded a copy of the Office Action from the USPTO.gov on March 6, 2007.

In addition, on March 7, 2007, I had telephone conversations with Examiner Mayekar and Supervisor Nam Nguyen, and it was suggested that a petition be filed to reset the period for reply. The undersigned had a telephone conversation with Frances Hicks in the Office of Petitions, on March 7, 2007, who also suggested such a petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

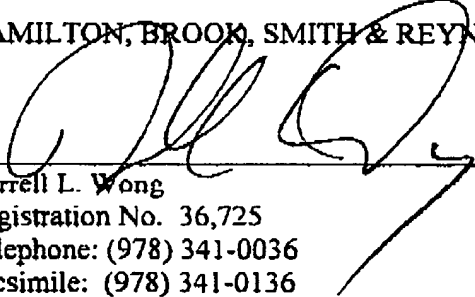
10/666,380

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Darrell L. Wong
Registration No. 36,725
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: March 12, 2007

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/866,380	AVNERY, TZVI	
	Examiner	Art Unit	
	Kishor Mayekar	1753	

All Participants:(1) Kishor Mayekar(2) Darrell Wong**Status of Application:** _____(3) Nam Nguyen

(4) _____

Date of Interview: 7 March 2007**Time:** _____**Type of Interview:**

- ☒ Telephonic
☐ Video Conference
☐ Personal (Cop, given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

Informed the Attorney that an Office action mailed on 21 September 2006 however returned back to USPTO on 2 October 2006 as undelivered. The Attorney agrees to file a petition for the remail upon consulting with SPE Nam Nguyen this morning.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature - if appropriate)